

DECISION RECORD
GARFIELD FLAT AND MARIETTA HERD MANAGEMENT AREA GATHER PLAN
MINERAL COUNTY, NEVADA

Environmental Assessment
DOI-BLM-NV-C010-2011-0529-EA
Garfield Flat and Marietta Herd Management Area Gather Plan

BACKGROUND

The Bureau of Land Management (BLM) Stillwater Field Office (SFO) plans to implement a wild horse and burro gather within the Garfield and Marietta Herd Management Areas (HMAs) located on public lands in Mineral County, Nevada. The HMAs include portions of the Garfield Flat and Belleville livestock grazing allotments. The Garfield Flat HMA consists of approximately 58% of the Garfield Flat Livestock Grazing Allotment and the Marietta HMA consists of approximately 8% of the Belleville livestock grazing allotment and includes some parcels of private lands.

The Appropriate Management Level (AML) of 83-125 wild horses for the Garfield Flat HMA was established through Final Multiple Use Decisions (MUDs) following in-depth analyses of habitat suitability, resource monitoring and population inventory data. The Appropriate Management Level (AML) of 78-104 burros and 0 wild horses for the Marietta Burro HMA was established through Final Multiple Use Decisions (MUDs) following in-depth analyses of habitat suitability, resource monitoring and population inventory data. A population inventory conducted in June 2011 documented 155 horses within the boundaries of the Garfield Flat HMA, 144 burros inside and outside of the Marietta HMA, and 85 wild horses in the Marietta HMA. Based on this inventory and monitoring data showing impacts from an over-population of wild horses and burros within and outside of these HMAs, BLM has determined that removal of the excess wild horses and burros is necessary to achieve a thriving natural ecological balance.

The Proposed Action Alternative (EA pages 8-10) is to gather approximately 240 wild horses and 66 wild burros, removing approximately 157 excess wild horses, 66 excess wild burros, and releasing 52- 60 (depending on capture efficiency) wild horses back into the Garfield HMA after treating/retreating an estimated 26-33 mares with the fertility control vaccine PZP-22 and adjusting the sex ratio to favor males. Should the gather efficiency exceed 80% of the current wild horse populations, additional mares would be treated and released back to the Garfield Flat HMA. Under the Proposed Action, the BLM intends to continue with this treatment protocol over the next 10 years by returning to the Garfield Flat HMA every 2-3 years to continue the population growth control protocols of treating and/or re-treating mares with fertility control and maintaining AML using limited removals. The probability of long-term infertility using PZP-22 is very low, and many mares retreated even after 3 years will return to normal fertility after the second treatment wears off (Turner, pers. comm.). After the contraceptive wears off, the population will increase at or slightly above the normal growth rate for the HMAs.

If gather efficiencies utilizing a helicopter does not achieve the desired goals of the Proposed Action, supplementary water/bait trapping may be utilized to capture sufficient numbers of horses and burros to achieve these targets. All wild horses or burros identified as excess including any weaned foals, yearlings or orphaned foals and any wild horses residing outside the HMA boundaries would be removed and made available for adoption to qualified individuals. Hair samples may be collected on about 25-100 animals to assess the genetic diversity of the herds. Old, sick or lame horses unable to maintain an acceptable body condition greater than or equal to a Henneke Body Condition Score (BCS) of 3 or with serious physical defects such as club feet, severe limb deformities, or sway back would be humanely euthanized as an act of mercy. Decisions to humanely euthanize animals in field situations would be made in conformance with BLM policy (Washington Office Instruction Memorandum 2009-041). Decisions to humanely euthanize animals in field situations will be made in conformance with BLM policy (Washington Office Instruction Memorandum 2009-041).

The Proposed Action Alternative is consistent with the Carson City Consolidated Resource Management Plan (CRMP), facilitates the AML management objectives, and maintains a thriving natural ecological balance and multiple use relationship consistent with other resource needs as required by the Wild Free-Roaming Horse and Burro Act of 1971 (WFRHBA as amended). The Proposed Action Alternative decision is a site-specific action located on public lands administered by the BLM Carson City District Office (CCDO). The gather has been planned with input from the Nevada Department of Wildlife (NDOW), interested public, and users of public lands.

The potential environmental impacts from the Proposed Action Alternative and No Action Alternatives were evaluated in the Environmental Assessment (EA) DOI-BLM-NV-C010-2011-0529-EA. The Proposed Action Alternative has no known effects on the human environment. Based on the analysis of potential environmental impacts detailed in the EA, it was determined that the impacts associated with the Proposed Action Alternative were not significant. This is documented in the attached Finding of No Significant Impact (FONSI).

DECISION

Based on the analysis in the Garfield Flat and Marietta Herd Management Area Gather Plan DOI-BLM-NV-C010-2011-0529-EA, it is my decision to implement the Proposed Action Alternative for the Garfield Flat and Marietta HMAs wild horse and burro gathers, effective immediately pursuant to 43 CFR § 4770.3(c). The current populations of wild horses and burros within the two HMAs are in excess of the numbers that the range can sustain, as evidenced by the movement of wild horses and burros to areas outside the HMAs and by documented excessive forage use by wild horses and burros.

The Proposed Action Alternative will maintain the established AML within the Garfield Flat HMA and Marietta Burro Range while ensuring the continued sustainability of the herds. I have concluded that gathering the 240 wild horses and 66 wild burros, removing approximately 157 excess wild horses (Garfield Flat HMA and Marietta Burro Range), 66 excess wild burros (Marietta Burro Range), treating/retreating an estimated 26 –33 mares (wild horses) with a fertility control vaccine, adjusting the sex ratio to favor males and releasing 60 wild horses back into the Garfield Flat HMA is necessary to reduce the population growth rate and preserve a

thriving and natural ecological balance and multiple-use relationship within the HMAs as specified in the CRMP and as directed by the 1971 WFRHBA as amended. All reasonable precautions will be taken to avoid injury to the horses, burros and to ensure the safety of personnel involved in gather operations and the observing general public.

AUTHORITY

The Proposed Action Alternative is in conformance with the Federal Land Policy and Management Act (FLPMA) of 1976, the CRMP adopted in 2001 and with current BLM policies, plans and programs.

The Proposed Action is in conformance with the 1971 WFRHBA as amended (by the Public Rangelands Improvement Act of 1978), and the applicable implementing regulations at 43 CFR §4700, §4700.0-6 Policy, 43 CFR §4710.3-1-Herd Management Areas, 43 CFR §4710.4-Constraints on Management, 43 CFR §4720.1 - Removal of excess animals from public lands, 43 CFR §4740.1-Use of Motor Vehicles or Aircraft, and 43 CFR §4700.0-6-Wild horses shall be managed as self-sustaining populations of healthy animals in balance with other uses and productive capacity of their habitat, 43 CFR 4770.3(c) – Decisions to remove wild horses or burros from public lands shall be effective upon issuance or on a date established in the decision in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving natural ecological balance and multiple use relationship.

The Proposed Action is consistent in relationship to statutes, regulations and policies of neighboring local, county, State, tribal governments and other federal agencies.

PUBLIC INVOLVMENT

The EA was made available for public review and comment on September 22, 2011. Letters were sent to individuals, organizations and agencies listed on the Carson City District Office (CCD) Wild Horse and Burro Program mailing list. Notification of the availability of the EA was made through the Nevada State Clearinghouse. The Nevada State Office provided news releases to the Tahoe Daily Tribune, Record Courier, San Francisco Chronicle, Mason Valley News, Las Vegas Review Journal, Sacramento Bee, Lahontan Valley News, Nevada Appeal, Reno Gazette Journal, Associated Press, Nevada News, Fox news Reno, KNPB, KRNK, KTVN, Lotus Radio, Daily Sparks Tribune, and organizations on the Media Reno Area, Media Other NV&CA, Media So NV, Wild Horse Interest and Congressionals group database. On August 17th BLM presented information regarding this plan at the Mineral County Commissioners Meeting in Hawthorne NV; the response from the commissioners was positive. The BLM comment period closed on October 26, 2011, although comments received in a timely manner after this date were also considered. The EA was made available by hard copy at the CCD, and on the website at:

http://www.blm.gov/nv/st/en/fo/carson_city_field/blm_information/nep_a.html.

Comment letters from the public, organizations and agencies were received by email, fax and mail delivery. All comments were reviewed, considered and then categorized. Comment letters were broken down into categories. A summary of the consolidated Public Comments and BLM Responses are noted in Appendix I of the Final EA. Several minor changes were made to the content of the Final EA.


RATIONALE

Upon analyzing the impacts of the Proposed Action Alternative and following issuance of the EA for public review, I have determined that implementing the Proposed Action Alternative will not have a significant impact to the human environment and that an environmental impact statement is not required. Refer to the attached finding of No Significant Impact (FONSI).

The initial gather as well as future gathers are necessary to maintain the established Garfield Flat and Marietta AML ranges and to facilitate fertility control measures. The BLM is required to manage multiple uses in a manner that avoids degradation of the rangelands, maintain a thriving natural ecological balance between wild horses, wildlife, livestock and resolve public health and safety concerns. The Proposed Action Alternative will achieve the Wild Horse management objectives identified in the CRMP.

APPROVAL

The Garfield Flat and Marietta HMAs Horse and Burro Gathers are approved for implementation immediately, and the gather is approved to begin on or about mid-January 2012 and take ten (10) days to complete the first phase. This decision is effective upon issuance in accordance with Title 43 of the Code of Federal Regulations (CFR) at 4770.3 9c) because managing wild horses and burros within the AML by promptly removing the excess wild horses and burros is necessary to protect animal health and prevent deterioration of rangeland resources.


Teresa J. Knutson, Manager
Stillwater Field Office
Carson City District Office


Date

APPEAL PROCEDURES

If you wish to appeal this decision, it may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4. If you appeal, your appeal must also be filed with the Bureau of Land Management at the following address:

Teresa J. Knutson, Stillwater Field Manager
BLM, Carson City District Office
5665 Morgan Mill Road
Carson City, NV 89701

Your appeal must be filed within thirty (30) days from receipt or issuance of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal.

Copies of the notice of appeal and petition for a stay must also be submitted to:

Board of Land Appeals
Dockets Attorney
801 N. Quincy Street, Suite 300
Arlington, VA 22203

A copy must also be sent to the appropriate office of the Solicitor at the same time the original documents are filed with the above office.

U.S. Department of the Interior
Office of the Regional Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-1712
Sacramento, CA 95825

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellants' success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals, therefore they will not be accepted.